

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**GRACIELA GALINDO, *et al.*,**

**Plaintiffs,**

**v.**

**REEVES COUNTY, TEXAS, *et al.*,**

**Defendants.**

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**EP-10-CV-454-DB**

**DECLARATION OF MATTHEW NACE  
UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

In accordance with the provisions of Section 1746 of Title 28, United States Code, I, the undersigned, MATTHEW NACE, hereby make the following unsworn declaration, under penalty of perjury, pertinent to the above-styled and numbered cause:

I am over the age of 18 and competent to make the following declaration based on my personal knowledge. I am currently employed by the United States Bureau of Prisons (BOP) as the Chief, Acquisitions Branch.

As Chief, Acquisitions Branch, I oversee four procurement sections: 1) the National Acquisitions and Systems Section; 2) Community Corrections and Contracting Section; 3) Transitional Drug Abuse Treatment Services Section; and 4) the Privatized Corrections Contracting (PCC) Section. I have served in my current position since April 30, 2007. I have been employed by the BOP since November of 1990. My office is physically located in Washington, DC.

My major duties are to ensure staff within the Acquisitions Branch provide goods and services to, and in furtherance of, the overall mission of the Bureau of Prisons, acquiring such

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goods and services in a timely manner, within Federal Statutory Regulations, and at the best value to the Government.

Within the Acquisitions Branch, PCC is responsible for establishing contracts with providers to manage and operate private prison facilities for low-security, primarily criminal alien populations. PCC performs all contracting functions, from soliciting proposals to administering the contracts after award. On-site Contracting Officers and BOP program staff work together at the private provider's prisons to ensure the facility is operated within the contract terms and conditions.

I am guided by the Federal Acquisition Regulations (FAR), Justice Acquisition Regulations (JAR), and the Bureau of Prisons Acquisition Policy (BPAP), in the performance of my duties.

In 2005 the BOP solicited Requests for Proposals to operate a low-security prison facility that would house federal criminal prisoners, primarily a criminal alien population. The contract was eventually awarded to Reeves County, Texas. The facility operated under this contract is commonly referred to as Reeves County Detention Center III (RCDC III). Reeves County subcontracted with GEO to run the facility and with Physicians Network Associates (PNA) to provide medical treatment to inmates at RCDC III.

The contract to Reeves County was awarded in compliance with the FAR and any applicable regulations. I signed the contract on behalf of the BOP, after receiving the recommendation by the Source Selection Official. There was no basis that I was aware of which would have precluded the BOP from awarding the contract to Reeves County.

It is my understanding that an inmate at the RCDC III by the name of Mr. Jesus Manuel Galindo, passed away on December 12, 2008 while incarcerated at the RCDC III. It is further my

understanding that the Plaintiffs in the above styled and numbered lawsuit allege that I am personally liable for the death of Mr. Galindo. Plaintiffs allege that the contract should not have been awarded to Reeves County because Reeves County, GEO and PNA had a history of failing to provide adequate medical care for inmates.

The BOP tries to ensure that private contractors are able to provide adequate care to inmates by requiring that these contractors obtain accreditation by the American Correctional Association ("ACA") and the Joint Commission on Accreditation of Healthcare Organizations ("JCAHO"). These requirements were included in the contract with Reeves County for the operation of RCDC III.

The ACA is an independent, non-governmental agency that evaluates and accredits correctional facilities. The ACA performed an accreditation audit of RCDC III in September 2008, just prior to the death of Mr. Galindo. The ACA found no serious concerns that I was aware of. There were some Notices of Concern (NOC) written in 2008, they however, documented mainly security concerns and procedural issues.

The JCAHO is also an independent, non-governmental entity. JCAHO performs audits and accreditation of facilities that provide health care, such as hospitals and clinics. JCAHO last performed an audit of RCDC III in January 26, 2009 and fully accredited the clinical facility at RCDC III in February 2009.

Additionally, the BOP sends to every contract facility a team of reviewers that perform semi-annual reviews of the contract facilities. These review teams review every aspect of the contract facility to include health care services. It is my understanding that the Review Team conducted a review of RCDC III in June 2008 and found the health care services to be at an "Acceptable" level.

Plaintiffs' allege in their Complaint that the Department of Justice conducted an investigation of PNA based on the medical care provided to inmates at a prison facility in Santa Fe. It is my understanding that this facility did not house BOP inmates. In either event, I was not aware of this investigation at the time the contract was awarded to Reeves County, nor was I aware of the allegations which caused this investigation to be initiated.

Plaintiffs' also allege in their Complaint that there was testimony provided to Congress regarding the treatment provided to inmates that Rivers Correctional Institution in Winton, North Carolina, which was operated by GEO. I was not aware of this testimony or the allegations made during this testimony.

I am not personally involved in the day to day operations of RCDC III. I do not possess, nor do I exercise, any supervisory authority over any operations or employees of Reeves County, GEO or PNA. To the best of my knowledge, I did not know who Mr. Galindo was prior to his death. I did not play any role in the decision to house Mr. Galindo at RCDC III. I was not involved in any decisions regarding Mr. Galindo's health care. I am not a licensed health care professional and am not competent to make decisions regarding the medical treatment of inmates. At no time prior to his death, was I aware of any concerns regarding Mr. Galindo's health condition or his medical needs.

Executed on this day, 15, August 2011



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MATTHEW NACE